

Testimony in support of amendment 21.1105.01004 to HB 1511 "Employer required vaccines"

Chairman Weisz and members of the Delayed Bills Committee.

I am Representative Kathy Skroch, District 26, Lidgerwood, ND.

I appear before you today to introduce an amendment to HB 1511. The amendment strikes the references to "Covid 19" throughout the bill. This is necessary because by using this term, the effect is to severely narrow the focus of the bill. Using only one term for a specifically named vaccine, "Covid 19", what might result? A redefinition of this term could easily allow a go-around by simply changing the name or definition of a SARS-CoV-2 vaccine. This would negate the intent of the bill and void any protection for citizens of ND this bill might have offered. Citizens then could be forced to receive a vaccine against their wishes through threats of termination, reduction in employment status, fear mongering or through other coercive methods to enforce mandates.

The amendment also strikes the definition of "Covid 19" found on Page 2 in Section 1, sub. 6, lines 27-29 and Section 2, Page 3, Subsection 1, lines 2-4 because the definition for "Covid 19" is no longer needed.

New vaccines are on the horizon whose performance and side effects are not yet known, have not been fully tested over time. Especially experimental and emergency use only vaccinations are of concern because they have not been tested over time for data to be collected. These also have not achieved "gold standard" status. What will these new vaccines be titled? We don't know. That is why a bill with the broader scope that would include these new or future experimental or emergency approved use vaccines is necessary.

QUESTION: Would it be acceptable for an employer to make a request for me to provide other private medical information to secure or maintain employment such as:

Are you currently taking your birth control pills? Are you pregnant? Have you had a vasectomy or have your tubes tied? Do you have HIV or an STD? Are you sexually active? Do you have a history of heart failure, high blood pressure, cancer, diabetes that may impact your job performance? Do you use your CPAP at least 5 hours per day?

The answer to all the above requests is no. My private medical history, vaccination status, medical records, medical decisions and preferences are mine alone and are protected by HIPPA laws, protected as a right of privacy. This bill needs to pass as amended. In doing so, we will protect the medical privacy and medical information of the citizens of North Dakota.

Representative Kathy Skroch, 701-403-0961

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1511

- Page 1, line 2, remove "COVID-19"
- Page 1, line 4, remove "COVID-19"
- Page 1, line 6, remove "COVID-19"
- Page 1, line 7, remove "COVID-19"
- Page 1, line 12, replace "COVID-19 vaccination" with "Vaccination"
- Page 1, line 19, remove "COVID-19"
- Page 1, line 20, remove "COVID-19"
- Page 1, line 21, remove "COVID-19"
- Page 1, line 22, remove "COVID-19"
- Page 2, line 4, remove "COVID-19"
- Page 2, line 5, remove "COVID-19"
- Page 2, line 6, remove "COVID-19"
- Page 2, line 8, remove "COVID-19"
- Page 2, line 9, remove the first "COVID-19"
- Page 2, line 9, remove the second "COVID-19"
- Page 2, line 26, remove the underscored period
- Page 2, remove lines 27 and 28
- Page 2, line 29, remove "fragments of SARS-CoV-2"
- Page 3, line 1, replace "COVID-19 vaccination" with "Vaccination"
- Page 3, remove lines 2 through 4
- Page 3, line 5, remove "2."
- Page 3, line 6, remove "against COVID-19"
- Page 3, line 7, replace "a." with "1."
- Page 3, line 7, replace "COVID-19" with "the applicable"
- Page 3, line 10, replace "b." with "2."
- Page 3, line 10, remove "COVID-19"
- Page 3, line 14, replace "c." with "3."
- Page 3, line 16, replace "(1)" with "a."
- Page 3, line 19, replace "(2)" with "b."

Introduced by

Representatives Weisz, Becker, Devlin, Lefor, Meier, Paulson, Porter, Schauer

Senators Lee, Wardner

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to create and enact a new section to chapter 34-03 of the North Dakota
2 Century Code, relating to employer-required ~~COVID-19~~ vaccinations; to amend and reenact
3 section 23-12-20 of the North Dakota Century Code, relating to limitations on requiring
4 documentation of ~~COVID-19~~ vaccinations, antibodies, and post-transmission recovery status; to
5 repeal section 23-12-20 of the North Dakota Century Code and section 2 of this Act, relating to
6 limitations on requiring documentation of ~~COVID-19~~ vaccinations, antibodies, and post-
7 transmission recovery status and employer-required ~~COVID-19~~ vaccinations; and to provide an
8 effective date.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1. AMENDMENT.** Section 23-12-20 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **23-12-20. Vaccine~~COVID-19~~ vaccinationVaccination and infection information.**

- 13 1. ~~Except as provided under sections 15-1-23-02, 23-01-05.3, and 23-07-17.1,~~
14 ~~neither~~Neither a state government entity nor any of its political subdivisions, agents, or
15 assigns may:
- 16 a. Require documentation, whether physical or electronic, for the purpose of
17 certifying or otherwise communicating the following before providing access to
18 ~~state~~ property, funds, or services:
- 19 (1) An individual's ~~COVID-19~~ vaccination status;
20 (2) The presence of ~~COVID-19~~ pathogens, antigens, or antibodies; or
21 (3) An individual's ~~COVID-19~~ post-transmission recovery status;
- 22 b. Otherwise publish or share an individual's ~~COVID-19~~ vaccination record or similar
23 health information, except as specifically authorized by the individual or otherwise
24 authorized by statute; or

~~COVID-19 vaccination~~ **Vaccination requirements - Exemptions.**

~~1. As used in this section, the term "COVID-19" means severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2 and any mutation or viral fragments of SARS-CoV-2.~~

~~2. If an employer in this state requires an employee or prospective employee to be vaccinated against COVID-19 as a condition of employment:~~

~~a.1. The employer shall allow the employee to submit proof of COVID-19~~ **the applicable**
antibodies as an exemption to the vaccination requirement. Such proof is valid for
twelve months from the date of the antibody test.

~~b.2. The employer shall allow the employee to submit to periodic COVID-19 tests as an~~
exemption to the vaccination requirement. Under this subdivision, the employer may
not require more than two tests per week but the employee may be responsible for the
cost of the testing.

~~c.3. The employer shall allow the employee to submit one of the following certificates as an~~
exemption to the vaccination requirement:

~~(1)a. A certificate from a licensed physician stating the physical condition of the~~
employee is such that immunization would endanger the life or health of the
employee; or

~~(2)b. A certificate signed by the employee stating the employee's religious,~~
philosophical, or moral beliefs are opposed to such immunization.

SECTION 3. REPEAL. Section 23-12-20 of the North Dakota Century Code and section 2
of this Act are repealed.

SECTION 4. EFFECTIVE DATE. Section 3 of this Act becomes effective August 1, 2023.
The remainder of this Act becomes effective upon its filing with the secretary of state.